IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 23415 of 2004

Between:

K.S.Narasimha Reddy, s/o Ranga Reddy,
District Co.op.Central Bank, Khammam.

..... PETITIONER

AND

1 The District Co.operative Central Bank, rep., by its Person-in-Charge,

Khammam.
2 The General Manager, District Co.op.Central Bank, Khammam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents in not releasing and paying the retirement benefits i.e., Retirement Gratuity and Leave Encashment on my attaining the age of superannuation w.e.f.30-9-2004 as illegal, without jurisdiction and violative of Articles 14, 16, 21 and 300-A of the Constitution of India and consequently direct the respondents to release and pay the retirement benefits i.e., Retirement Gratuity and Leave Encashment with interest for the delay and to pass such and further order or orders.

Counsel for the Petitioner: MR.S.LAKSHMA REDDY

Counsel for the Respondents: MR.P.M.GOPAL RAO FOR RVAK-2

The Court at the stage of admission made the following:

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.23415 of 2004

ORDER:

This writ petition is filed by the petitioner seeking a writ of Mandamus declaring the action of the respondents in not releasing and paying the retiral benefits i.e., retirement gratuity and leave encashment on attaining the age of superannuation on 30-09-2004.

2. It is stated that the petitioner was appointed as IV Cadre employee in the respondent-bank in September, 1974. While he was working as a Manager, he was issued a charge memo dated 15-01-1992 and further charge memos dated 06-11-1992 and 20-01-2000, for which the petitioner submitted his explanations. Thereafter, an enquiry officer was also appointed. Basing on the enquiry officer's report punishment was imposed on the petitioner imposing a penalty of reduction of two annual grade increments from the petitioner's existing basic pay. The petitioner aggrieved by the said disciplinary order filed an appeal and the appeal is pending. Pending the appeal, the petitioner attained the age of superannuation on 30-09-2004 and the respondents allowed him to retire. After retirement, as the respondents did not release the benefits to which he is entitled to, hence, the petitioner has come up with the present writ petition.

3. A counter-affidavit is filed disputing the claims of the petitioner stating that there were some representations with reference to the alleged irregularities committed by the petitioner and in fact an Enquiry officer- Mr.B.Prasad Rao was appointed by a memo dated 25-10-2004 to conduct enquiry into the

missing records. However, it is stated that the said enquiry cannot be equated as a disciplinary inquiry, but it is only a fact finding mission.

4. It is stated that the respondents did not dispute the claim of the petitioner that the respondent-bank has no authority under any provision of law to initiate or conduct any enquiry against the petitioner after his retirement. In fact the learned counsel appearing for the respondents has fairly conceded that the respondent-bank has no powers to initiate and conduct any disciplinary enquiry against the petitioner after his retirement.

5. In view of the above admitted facts, the respondents cannot with hold the retiral benefits to which the petitioner is entitled to and the action of the respondents in with holding the retiral benefits of the petitioner is not in accordance with law.

6. Therefore, this writ petition is allowed directing the respondents to pay the retiral benefits i.e., retirement gratuity and leave encashment within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly allowed. No order as to costs.

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S.ANANDA REDDY, J

06th June, 2005

SKM

To

1 The Person-in-Charge, District Co.operative Central Bank,

Khammam.
2 The General Manager, District Co.op.Central Bank, Khammam.

3 2 CD copies

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